

### **REMARKS/ARGUMENTS**

In the February 9, 2006, Office Action, Claims 1-10 and Claims 13-24 were rejected under 35 U.S.C. 102(b) as being anticipated by Ohtsuka et al. (U.S. Patent No. 5,546,283). In addition, Claims 1 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shamir et al (U.S. Patent No. 5,267,128).

#### **Claim Rejections under 35 U.S.C. §102**

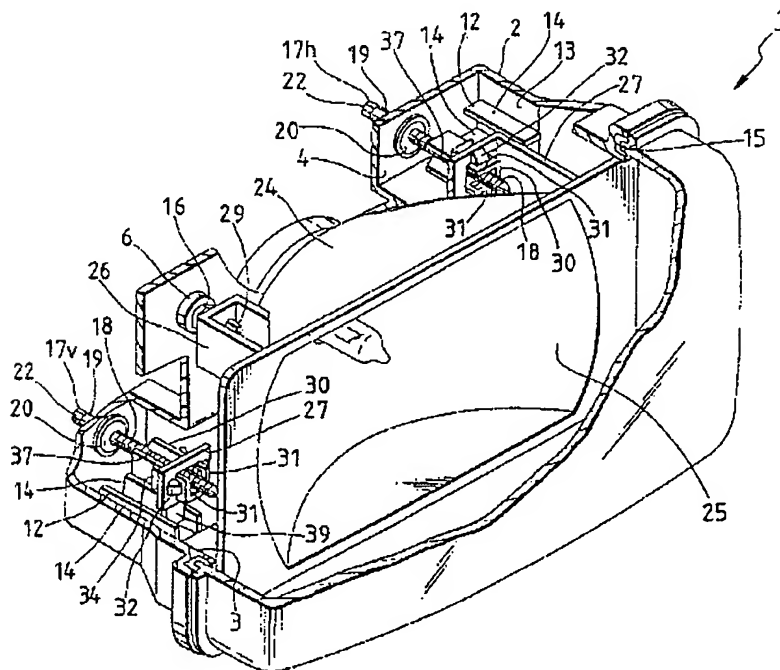
As discussed in more detail below, Independent Claims 1, 13, 18 and 22, and all claims depending therefrom are not anticipated by Ohtsuka, because Ohtsuka does not disclose all the elements recited in Claims 1, 13, 18 and 22.

Ohtsuka discloses a vehicle headlamp provided within a lamp housing (2) that is affixed to a vehicle. The Ohtsuka headlamp includes adjusting screws (17h and 17v), each of which are rotatably supported in the housing (2). The housing includes a boss (6) having a pivot shaft (16) threaded to and extending from the rear upper corner of the housing, such that rotation of the screw 17h causes the reflector (24) to pivot around an axis formed by the pivot shaft and the rotatable adjusting screw 17v, and wherein rotation of the screw 17v causes the reflector (24) to pivot around an axis formed by the pivot shaft and the rotatable adjusting screw 17h, see Col. 6, lines 10-20.

Unlike the lamp assembly recited in Claims 1, 13, 18 and 22 of the present application, Ohtsuka does not disclose a mounting bracket having arms stationarily extending therefrom that are dimensioned to pivotally receive a reflector; *and* (2) an adjuster pivotally secured to the stationary arms of the mounting bracket such that rotation of the aiming screw within the adjuster causes pivoting of the reflector within the arms of the mounting bracket.

Rather, as best shown in Fig. 2, reproduced below, the Ohtsuka housing includes only one stationary extension (boss 6 and shaft 16) about which the reflector pivots. The other pivot point about which the reflector (24) pivots is the rotatable adjusting screw (17h or 17v) which does not stationarily extend from the housing. Indeed, each of the adjusting screws are rotatably secured to the lamp housing, and the housing does not separately include arms stationarily extending therefrom, which pivotally receive the reflector of the lamp, (i.e. neither of the adjusting screws are stationary arms about which the reflector pivots when the adjusting screw is rotated).

FIG. 2



Accordingly, rotation of either adjusting screw in Ohtsuka does not cause pivoting of the reflector within stationary arms separately extending from the mounting bracket – specific

structural elements recited in Claims 1, 13, 18 and 22 of the present application. As such, Claims 1, 13, 18 and 22, and all claims depending therefrom, are not anticipated by Ohtsuka.

Claim Rejections under 35 U.S.C. §103

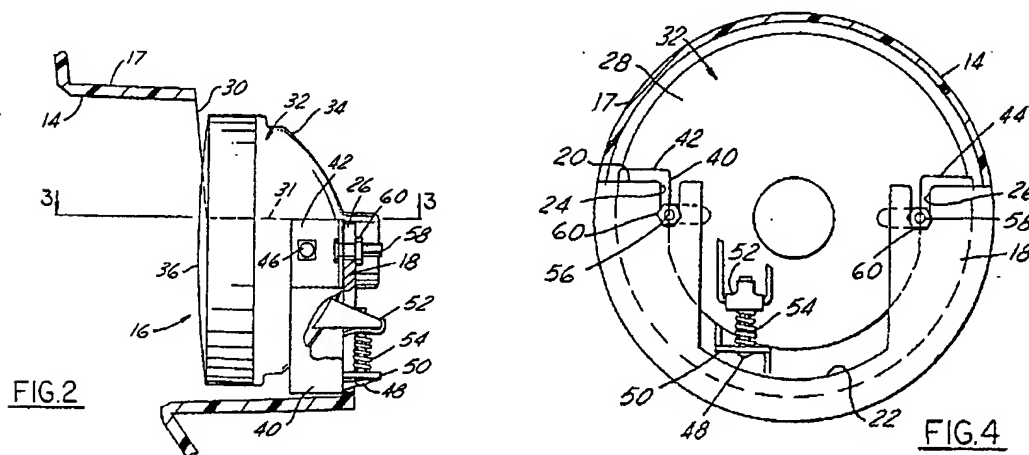
Claims 1 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Shamir et al (U.S. Patent No. 5,267,128). However, in light of the amendments presented herein, Applicant respectfully disagrees that that the present invention is obvious in light of Shamir.

Shamir discloses a fog lamp assembly that solves a very particular problem in the art – that is, fog lamps are typically mounted in sockets (14) within a vehicle's front bumper using threaded plastic receiving bosses, which have a tendency to strip and render the installation and removal of the fog lamp difficult. To overcome this problem, Shamir teaches a fog lamp assembly and a specific socket configuration that is integrally formed as part as part of the vehicle fascia (12), see Figs. 1 and 2, along with the discussion of the annular (17) and rear wall (18) of the socket (14), Col. 1, lines 65-70 and Col. 2, lines 1 through 15.

The Examiner suggests it would have been obvious at the time the present invention was made to modify the adjustable lamp assembly of Shamir to include a reflector as part of the housing. Applicant disagrees with the Examiner's assertion. In particular, the configuration of the Shamir fog lamp and fascia is application-specific and does not suggest a mounting bracket having stationary arms which are configured to pivotally receive a reflector.

Nonetheless, even if the Examiner's proposed modification was made, Shamir still fails to teach, disclose or suggest all the elements of Claim 1. In particular, Shamir does not include an adjuster secured to the mounting bracket such that when the reflector is pivotally received by the stationary arms of the mounting bracket *after the adjuster has been secured thereto*. Indeed, the device recited in claim 1 provides at least one distinct advantage over the known prior art, including Shamir, because it allows an adjuster to be secured to a mounting bracket *before* the bracket receives a reflector.

As best illustrated in Figs. 2 and 4 of Shamir, shown below, even if the housing were to include a reflector, the adjuster (screw 48 and coil 54) can not be secured to a mounting bracket (retainer 40) before the bracket receives the reflector. Indeed, as these figures make clear, the screw 48 simply passes through and is rotatably supported within an aperture in the bracket 50; however, the screw 48 is not secured thereto. To the contrary, the adjuster (48) is not secured to the retainer 40 *until it is threaded to the bracket 52 on the reflector*.



Accordingly, the device disclosed in Shamir, even if modified as suggested by the Examiner, cannot be assembled according to the language of claim 1 and, therefore, does not teach every limitation of Claim 1. Further, Shamir does not suggest an adjuster component that

can be secured to a mounting bracket before the bracket receives a reflector, since the screw 48 in the Shamir configuration directly engages the lamp housing; it can not be secured until such it is secured to the housing – no other configuration is contemplated by Shamir.

### CONCLUSION

In view of the remarks presented herein, it is respectfully submitted that Claims 1 through 10 and Claims 12 through 24 are in condition for allowance and reconsideration of same and notice of allowance of the claims is respectfully requested. Applicant submits that no new matter has been added to the application.

Applicant requests that the Examiner telephone the undersigned in the event a telephone discussion would be helpful in advancing the prosecution of the present case. The Commissioner is authorized to charge any additional fees or underpayment of fees regarding this response, including extensions for reply, to Deposit Account 07-1509.

Respectfully submitted,

ASYST TECHNOLOGIES

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